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*Attorneys for Plaintiff in Interpleader*

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK

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E\*TRADE SECURITIES, LLC,

Plaintiff in Interpleader,

v.

MYRON WEINER; the SECURITIES and  
EXCHANGE COMMISSION; the UNITED STATES  
ATTORNEY for the EASTERN DISTRICT of NEW  
YORK; and JOHN and JANE DOES 1-100,

Defendants in Interpleader.  
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Case No.: 1:11cv1997 (ERK) (RER)

**NOTICE OF MOTION  
FOR PRELIMINARY  
INJUNCTION**

To: Barry M. Bordetsky  
Law Offices of Barry M. Bordetsky  
570 Lexington Avenue, 44th Floor  
New York, NY 10022  
(212) 688-0008  
barry@bordetskiylaw.com  
*Attorneys for Interpleader-Defendant  
Myron Weiner*

To: Loretta E. Lynch, Esq.  
The United States Attorney for the  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, NY 11201  
(718) 254-7000  
Loretta.Lynch@usdoj.gov

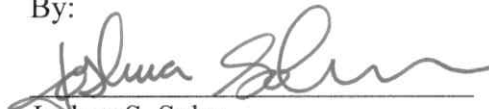
To: Securities and Exchange Commission  
3 World Financial Center, Suite 400  
New York, NY 10281  
(212) 336-0175

PLEASE TAKE NOTICE that upon the Summons and Verified Complaint, the Declaration of Joshua S. Sohn, sworn to April 22, 2011, and exhibits annexed thereto, and Plaintiff's Memorandum of Law in Support of its Motion For Preliminary Injunction, Plaintiff in Interpleader E\*TRADE Securities, LLC ("E\*TRADE"), by its attorneys DLA Piper LLP (US), will move the Court, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, on a date and time to be set by the Court, for an Order pursuant to 28 U.S.C. § 2361 and/or Federal Rule of Civil Procedure 65: (a) granting a preliminary injunction, staying the pending FINRA arbitration between E\*TRADE and Defendant Myron Weiner, FINRA-DR Case No. 10-00918, currently scheduled to begin on May 24, 2011; (b) granting a standing preliminary injunction against any further disputes, filed in a court of law or demanded through arbitration, as to the sum offered by Plaintiff in Interpleader E\*TRADE to be left in escrow with the Court; (c) directing Plaintiff in Interpleader E\*TRADE to deposit the contested funds with the Court; and (d) for such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
April 22, 2011

DLA PIPER LLP (US)

By:



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*Attorneys for Plaintiff in Interpleader*

UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF NEW YORK

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Plaintiff in Interpleader,

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Case No.: 1:11cv1997 (ERK) (RER)

**PROPOSED ORDER**

Plaintiff in Interpleader E\*TRADE Securities LLC (“E\*TRADE”) having filed a Verified Complaint in Interpleader in this matter on April 22, 2011, E\*TRADE having served a Motion for a Preliminary Injunction on April 22, 2011, and this Court having held a hearing at 225 Cadman Plaza East, Brooklyn, New York on May \_\_\_, 2011, at \_\_\_ ; and good cause appearing:

**IT IS HEREBY ORDERED**, pending final determination of the Interpleader action, the FINRA arbitration captioned *Myron Weiner v. E\*TRADE Securities LLC*, FINRA-DR Case No. 10-00918, currently scheduled to begin on May 24, 2011, is **PRELIMINARILY ENJOINED** and **STAYED** from further proceedings, adjudications, or determinations; and

**IT IS FURTHER ORDERED** that Defendants in Interpleader Myron Weiner, the Securities and Exchange Commission, the United States Attorney for the Eastern District of New York, and John and Jane Does 1-100 are **PRELIMINARILY ENJOINED** and **PROHIBITED** from bringing any further action, demand, or notice of dispute resolution against Plaintiff in Interpleader E\*TRADE Securities LLC with respect to the contested funds at issue in this action; and

**IT IS FURTHER ORDERED** that Plaintiff in Interpleader E\*TRADE Securities LLC is hereby directed to deposit the Funds, or a bond, surety, or other obligation of equivalent value, with the Court for administration pursuant to 28 U.S.C. § 1335 and Federal Rule of Civil Procedure 67; and

**IT IS FURTHER ORDERED** that \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATED: May \_\_\_, 2011

\_\_\_\_\_  
U.S. District Court Judge